

Operation Withern

Prisoner Processing Strategy

Initial investigation

Investigating officers are responsible for an initial review of the evidence, to secure and progress the investigation to a judicial disposal at the earliest stage. Part of the review will be to ensure the appropriate forensic opportunities are progressed in line with the forensic strategy.

Section 18 PACE searches

Consideration should be given to conducting section 18 PACE searches, clearly the safety of officers conducting any search is of paramount importance and may preclude searches being conducted. Any officer conducting a search MUST conduct their own risk assessment.

Forensic Strategy

Officers are use common sense in applying the forensic strategy and adapt it to suit the case they are investigating. That said a number of forensic activities are required IN ALL cases:

- 1) LiveScan
- 2) PACE DNA sample
- 3) Custody Imaging Photograph
- 4) Exhibited Photographs

LiveScan, DNA and CSIS photographs should be obtained in the normal way.

Exhibited Photographs of the suspect wearing the clothes in which they were arrested. These images should be 'top to toe' include front, side and rear views. Local arrangements should be utilized to secure these photographs, consider ICEFLO, borough SOCO or CSU cameras.

The photographs should be exhibited by the officer taking them and placed into a self seal evidence bag . The evidence bag should be added to the prisoners property for subsequent collection by the enquiry team.

Further Forensic Considerations

Depending on the offence being investigated consideration should be given to taking the following forensic samples:

Suspects Clothing (for accelerant, glass shards, blood etc)
Hand Swabs, nail clippings / scrapings (offences of violence)
Blood and other intimate samples for more serious offences.

Wet Set fingerprints for more serious offences (GBH, Arson etc)

If in doubt about which samples are appropriate or the means by which any sample should be packaged and preserved SEEK ADVICE from local SOCO or BFM.

Please ensure that the DNA bar code is recorded on the CRIS report as are the reference numbers for any associated property.

Dealing with Prisoners

The volume of prisoners being processed makes it impractical to bail for the purpose of protracted investigation. Where evidence of an offence exists charging authority should be sought, that is likely to mean that the threshold test is applied.

The threshold test should be applied where possible and a charging advice sought either from the Evidential Review Officer (ERO) or CPS (clarification is provided below as to what offences require CPS authority to charge).

Police Charging Decisions (ERO)

The police may charge any Summary Only offence (including criminal damage where the value of the loss or damage is less than £5000) irrespective of plea and any either way offence **anticipated as a guilty plea** (No Comment interviews can be regarded as an anticipated guilty plea) and **suitable for sentence in a magistrates' court**, provided it is not:

a case requiring the consent to prosecute of the DPP or Law Officer;

a case involving a death;

connected with terrorist activity or official secrets;

classified as Hate Crime or Domestic Violence under CPS Policies;

an offence of Violent Disorder or Affray;

causing Grievous Bodily Harm or Wounding, or Actual Bodily Harm;

This includes offences such as non residential burglary, theft, minor criminal damage and some public order offences

CPS Charging Decisions

Prosecutors will make charging decisions in all Indictable Only cases, any either way offence not suitable for sentence in a magistrates' court or not anticipated as a guilty plea, and the offences specified in the proviso above.

Summary to assist with MG3

The following words can be used to assist in securing charge and remand on MG3 report:

"Since Saturday the 6th of August 2011 there have been significant incidents of public disorder in and around the London area. The disorder has resulted in damage to property, offences of violence and public disorder as well as theft from commercial premises, commonly referred to as 'looting'.

There is significant public interest in the criminal activities connected to the disorder and a responsibility on the police and prosecutors alike to progress offences expeditiously in the interest of justice, ongoing security of the public and the further prevention of public disorder and civil unrest.

*Cautions and other means of judicial disposal are **not** considered appropriate in this case.*

The spontaneous nature of these offences and the significant burden it has placed on police resources has meant that not all enquiries have yet been completed. Some enquiries, such as the gathering of CCTV are not capable of being progressed at present due to the ongoing public disorder in and around London. As a result this case requires the application of the 'Threshold Test' for a charging decision based on the evidence presented and the expectation that further evidence maybe forthcoming

A strategic decision has been made by the MPS that, in all cases an application will be made for remand in custody both at the police station, and later at court. This decision has been made in the interest of public safety and the prevention of further cases of public disorder."

On completion of dealing with your prisoner

Having dealt with your prisoner, which should result in charge, bail or other judicial disposal you should submit a case file in the normal way through the local CJU. The case file should be endorsed on the front cover with **OPERATION WITHERN**. The file you submit should contain all original documents (ERBs and MG11s etc), a copy should be made of the file, endorsed "**COPY**" which should then be delivered to MIT 21 at Hertford House (KZ).

The details of any property, tapes, or samples associated to the case should be recorded on the CRIS report. In addition a summary should be recorded in the "DETS" outlining the case, the interview and any outstanding evidence.

If a CRIS report has not been created by the arresting officer it is **your responsibility to complete one** and update it detailing your action as above.

Please ensure the service flag '**OW**' is entered in the appropriate field in the "gen" screen on the front page.

In all cases the SUSP and ACC screen **MUST** be updated including BTR dates if appropriate.

CPS Liaison for Charging

The following arrangements have been agreed with CPS London to deal with charging requests and prosecutions arising from Operation Withern.

The Complex Casework Unit will be co-ordinating this Operation.

All requests for charging decisions for offences of violent disorder or riot, attempted murder and serious assaults should be referred to the above CCU contact points.

If the MPS require clarification about whether a case should be dealt with by the CCU or CPS London Direct, then they should contact [REDACTED] in the first instance.

Offices that are investigating cases that will be dealt with by the CCU are asked to contact [REDACTED] this afternoon in order to provide an update regarding each of those cases and agree the timings and way forward. This is particularly important as the CCU will be providing cover this evening.

[REDACTED] will be deal with the remaining offences.

Please ensure that all requests for charging decisions have been approved by a supervising officer ERO who are satisfied that it is appropriate to request a charging decision and that the paperwork is in order.

All cases charged by the CCU are charged to Highbury Magistrates Court.

It would assist us if you could provide me with your updated spreadsheet as it is updated throughout the day.

Courts

For charged and remanded prisoners

Highbury Corner Magistrates for all charges where offences occurred in North boroughs

Camberwell Magistrates for all charges where offences occurred in South Boroughs

In the event that you charge and have to bail, by agreement with the CPS and court service please bail to:

5th September 2011 0900 to Highbury Corner magistrates court for North offences, and same date and time for Camberwell magistrates court for South offences.

Returns spreadsheet

Please send this to me at the return of dealing with the prisoners at your respective station with full details